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Planning Commission Date: August 11, 2004

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Kim Duncan

Public Hearing: Yes: X No:

Notices Mailed On: 7-30-04

Published On: 7-29-04

Posted On: 7-30-04

TITLE: MAJOR TENTATIVE PARCEL MAP NO. MA2004-1

Proposal: A request for a major tentative parcel map to convert one heavy industrial building to five (5) condominium ownerships at 601 Vista Way.

Location: 601 Vista Way (APN: 86-29-069)

RECOMMENDATION: Approval with conditions

Applicant: Mahesh Patel, c/o Patel Construction Company, 461 Park Avenue, Ste 1, San Jose, CA 95110
Jim Vigil, Kier & Wright, 3350 Scott Boulevard, Bldg. 22, Santa Clara, CA 95054

Property Owners: Dan Diep, 2207 Ringwood Avenue, San Jose, CA 95131
Hoa Trieu Hong, 4052 Carracci Lane, San Jose, CA 95135
Lam Trieu Hong, 34376 Torrey Pine Lane, Union City, CA 94587
Vincent Lao, 77 Casablanca Court, Danville, CA 94506
Trung Ly, 3219 Whispering Elm Court, San Jose, CA 95148
Paul Nguyen, 1901 Serpentine Drive, Union City, CA 94587
Cindy F. Cheng and Duc H. Trang, 1975 Hamilton Avenue, Ste 33, San Jose, CA 95125

Previous Action(s): "S" Zone approval and amendments, EIA 506

Environmental Info: Categorically exempt pursuant to Class 1 (k).

General Plan Designation: Manufacturing and Warehousing

Present Zoning: Heavy Industrial (M2)

Existing Land Use: Industrial warehousing

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Agenda Sent To: Applicant and property owners (noted above)
Attachments: Tentative parcel map, letter from applicant dated July 7, 2004

PJ No. 3175

BACKGROUND

On December 18, 1980, the Planning Commission granted "S" Zone approval for a 120,320 square foot, tilt-up, industrial building located on the northwest corner of Yosemite Avenue and Vista Way. Subsequently, the Planning Commission approved numerous "S" Zone approval amendments for landscaping, fencing, roof screen, ground water treatment system and a sign program.

Site Description

The project site is located at the northwest corner of Yosemite Drive and Vista Way, bound to the west by Berryessa Creek and Union Pacific Railroad. The 6.09 acre parcel is developed with an existing 120,320 square foot industrial building. Surrounding land use is heavy industrial and adjacent developments include manufacturing and warehousing facilities and offices. Typical tenants in the area include Solectron and Arrowhead Water Distributors, as well as vacant buildings.

THE APPLICATION

The application is submitted pursuant to Chapter 1 (Subdivisions), Section 4.00 (Tentative Maps) of the Milpitas Municipal Code.

The applicant is requesting a major tentative parcel map for condominium ownership purposes for an existing industrial building. As indicated on the tentative parcel map, the interior space of the building is proposed to be divided into five (5) units for individual sale. The size of the individual condominium units are proposed as follows:

Unit 1: 16,042 square feet	Unit 4: 16,263 square feet
Unit 2: 15,730 square feet	Unit 5: 36,240 square feet
Unit 3: 44,755 square feet	

Proposed condominium units at 601 Vista Way

Each interior space will consist of office space, restrooms and warehouse area. While the plans indicate exterior site modifications (new enclosures, sidewalk and tree removal), the subdivisions apply only to the interior space of each building and no new subdivision of the existing legal lot is proposed. The land around the buildings where all the infrastructure and site improvements are located will be owned in common by the unit owners to serve the building. No project site or building improvements/modifications are proposed with this application.

Conformance with the General Plan

The proposed project does not conflict with the General Plan and is consistent with Implementing Policies 2.a-I-3 and 2.a-I-7, which provides for opportunities to expand employment and promote business retention and encourages economic pursuits that strengthen and promote development through stability and balance. By creating condominium units within the building, the property owners are able to divide the interior and sell them individually. This allows the potential for smaller businesses to locate in the area that cannot afford to purchase and maintain the entire property or lease a larger space.

Conformance with the Zoning Ordinance

The project does not conflict with the Zoning Ordinance and is in conformance in terms of land use and development standards. No change in land use is proposed as part of this major tentative parcel map and any future land uses would be subject to the permitted and conditional uses allowed in the Heavy Industrial (M2) District.

In regards to the development standards of the M2 district, the original development was approved in 1980 and built in conformance with the then-current standards of the M2 district. This major tentative parcel map application does not propose any new exterior site or building modifications to the existing development or the adjustment of existing lot lines. This major tentative parcel map application only affects the interior space of the buildings by partitioning each building in half. Each unit will have its own entrance and interior space. All units will share the parking, driveways, site access and other site amenities, which will be maintained by a property owner association and recorded as common areas.

Conformance with the State Subdivision Map Act & Subdivision Ordinance

With respect to approving the subject application, the Subdivision Map Act defers to local ordinance. The City's Subdivision Ordinance requires design and improvement consistency with the General Plan. As previously covered in the conformance with the General Plan section, the proposed Vesting Major Tentative Map is in conformance with General Plan.

Site Improvements/Parking

The plans submitted by the applicant indicate various future site improvements, such as new trash enclosures, building entries, removal of street trees, and a new meandering sidewalk along Vista Way street frontage. In addition, the plans indicate 126 parking spaces provided for the project. When the building was originally developed in 1980, 107 parking stalls were required (1 space/250 office, plus 1 space /1,500 square feet warehouse) and 170 parking spaces provided. However, since the original approval, zoning ordinance requirements for parking were modified for office space (1 space per 350 square feet) in industrial buildings. The proposed major tentative parcel map indicates additional office space will be constructed within each condominium unit. Based on current parking standards, the proposed project requires 132 parking spaces. Because the site was developed with 170 parking spaces as part of the original development, staff is confident the site will accommodate the required 132 parking spaces for this application. However, the applicant is requesting deferral of the site improvements at this

time until landscape plans are complete and site improvements can be reviewed as a whole. Therefore, *staff recommends*, as a condition of approval, prior to parcel map recordation, the applicant submit plans to the City for all proposed site and building improvements, as well as parking restriping for staff review and City approval to ensure conformance with City standards.

Conformance with CEQA

The project is categorically exempt from further environmental review pursuant to Class 1 (k), Section 15301 ("Existing Facilities) of the Environmental Quality Act (CEQA) guidelines. This section exempts such projects as subdivisions of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.

RECOMMENDATION

Close the Public Hearing. Approve Major Tentative Parcel Map No. MA2004-1 based on the Findings and Recommended Special Conditions listed below:

FINDINGS

1. The proposed project, as conditioned, does not conflict with the General Plan and is consistent with Implementing Policies 2.a-I-3 and 2.a-I-7, which provides for opportunities to expand employment and promote business retention and encourages economic pursuits that strengthen and promote development through stability and balance.
2. The proposed project, as conditioned, does not conflict with Zoning Ordinance in terms of land use and development standards. Since no change in land use or to the building exterior or site is proposed, the proposed project remains in compliance with development standards and uses of the M2 district.
3. The proposed project is consistent with the State Subdivision Map Act and the Subdivision Ordinance in that it conforms to the local ordinance, Milpitas General Plan.
4. The proposed project is categorically exempt from further environmental review pursuant to Class 1 (k), Section 15301 ("Existing Facilities") of the State CEQA Guidelines in that there are no proposed physical changes to the existing industrial building for the subdivision that are not otherwise exempt.

SPECIAL CONDITIONS

1. This approval is for Major Tentative Parcel Map No. MA2004-1 to create five (5) condominiums within the building located on parcel 86-29-069, as depicted on the Tentative Parcel Map dated June 2004, and as amended by the conditions of approval. (P)
2. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
3. Prior to parcel map recordation, the applicant shall submit plans to the City for review and approval for all proposed site improvements/modifications, including, but not limited to new

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trash enclosures, exterior building modifications, parking lot striping, landscaping and sidewalks. (P)

4. Prior to parcel/condominium map recordation, the applicant shall establish a property owner association. The association shall be responsible for the maintenance of the landscaping, walls, private streetlights, and common areas and facilities and shall have assessment power. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted to the City for review and approval by the City Engineer. (E)
5. Prior to parcel/condominium map recordation, the applicant shall prepare and submit condominium plans for City review. (E)
6. The major tentative parcel/condominium map shall be tied to the North America Datum of 1983 (NAD 83), California Coordinate of 1983, zone 3. (E)
7. The applicant shall dedicate on the parcel/condominium map necessary public service utility and sidewalk easements, as shown on the Engineering Services Exhibit "T", dated 7/14/2004. (E)
8. Prior to parcel/condominium map approval, the developer shall obtain design approval and bond for all necessary public improvements along Vista Way, including but not limited to sidewalk, and curb ramp. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. **Prior to parcel/condominium map recordation**, all public improvements stated herein shall be constructed to the satisfaction of the City Engineer and accepted by the City. (E)
9. **Prior to parcel/condominium map recordation**, the applicant shall construct a trash enclosure, designed per the Development Guidelines for Solid Waste Services. City review/approval is required prior to construction of the trash enclosure. (E)
10. Property owner association or site manager shall be responsible for the trash collection and recycling services account for all the individual owners of this property. Prior to occupancy permit issuance, the property owner association/site manager shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial services:
 - A. An adequate level of service for trash collection.
 - B. An adequate level of recycling collection. (E)
11. After the applicant has started its business, BFI commercial representative shall determine the adequacy of the solid waste level of services. If services found to be inadequate, the property owner/manager shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)

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PAGE 6 OF 6

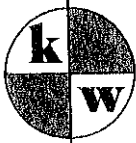
P.C.ARS—August 11, 2004

Major Tentative Parcel Map No. MA2004-1/601 Vista Way

12. Make changes as noted on Engineering Services Exhibit "T"(dated 7/14/2004) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the parcel map or improvement plans will be accepted until this condition is satisfied. (E)
13. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer is required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. (E)

Planning Division = (P)

Engineering Division = (E)



KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

July 7, 2004
Job No. 88059-6

City of Milpitas
Kim Duncan
Planning Department
455 E. Calaveras Boulevard
Milpitas, CA 95035


RE: 601 Vista Way
Milpitas, CA

Dear Kim:

In regards to the Tentative Parcel Map for 601 Vista Way, Milpitas, CA, we are processing this map to further subdivide the existing one-story building into five (5) condominium units.

Sincerely,

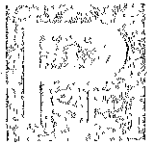
KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS


Jimmy R. Vigil, L.S.
Associate

RECEIVED

JUL 08 2004

**CITY OF MILPITAS
PLANNING DIVISION**



PATEL STRUCTURAL ENGINEERS
461 PARK AVE. / SAN JOSE CA. 95110
(408) 288-5935

July 19, 2004

Condominium Conversion into 5 Units

605 to 645 Vista Way, Milpitas, Ca.

Building Area:

Unit #	Address	Building Area		Total
1	645 Vista Way	Office: (1-story)	2,117.00	16,042.00
		Warehouse:	13,925.00	
2	635 Vista Way	Office: (1-story)	1,010.00	15,730.00
		Warehouse:	14,720.00	
3	625 Vista Way	Office: (2-story)	8,360.00	44,755.00
		Warehouse:	36,395.00	
4	615 Vista Way	Office: (1-story)	654.00	16,263.00
		Warehouse:	15,609.00	
5	605 Vista Way	Office: (2-story)	9,060.00	36,240.00
		Warehouse:	27,180.00	

Building footprint: 120,320.00 sq ft
2nd level office area: 8,710.00 sq ft

Total: 129,030.00 sq ft

RECEIVED

JUL 20 2004

CITY OF MILPITAS
PLANNING DIVISION

